

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, MARCH 21ST, 2006, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
Charles Wagner, Vice-Chairman
Leland Mitchell
David Hurt
Charles Poindexter
Russ Johnson
Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
Bonnie N. Johnson, Asst. County Administrator
Christopher L. Whitlow, Asst. County Administrator
B. J. Jefferson, County Attorney
Sharon K. Tudor, CMC, Clerk

Chairman Wayne Angell called the meeting to order.

Invocation was given by Supervisor Charles Wagner.

Pledge of Allegiance was led by Supervisor David Hurt.

CONSENT AGENDA
APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR –FEBRUARY 21ST, & MARCH 14TH, 2006

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT NUMBER</u>		<u>AMOUNT</u>
Sheriff	Fuel Reimbursement	3102-	5408	9,721.00
Sheriff	Travel Reimbursement	3102-	5501	3.00
Sheriff	Supply Reimbursement	3102-	5409	50.00
Planning & Zoning	Conference Reimbursement	8102-	5504	290.00
Workforce	Jobview Reimbursement	8108-	5411	350.00
Workforce	Drink Machine Commissions	8108-	5401	125.00
Public Works	Overpayment	8305-	7001	51.00
Library	Book Fines, Fees, Donations	7301-	5411	305.00
Total				<u><u>10,895.00</u></u>

Other Appropriations

Career Center	Carilion Grant	25,000.00
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Transfers Between Departments

CHERYL’S PLACE DANCE HALL PERMIT

Per *County Code Section 3-36*, the submitted dance hall application for Cheryl’s Place has received the completed background investigation and signed by the pertinent offices (Sheriff, Planning and Zoning, Public Safety, and County Administrator Offices). Cheryl Adkins, Owner and Operator’s of Cheryl’s Place (formerly known as Ruth’s Place) is requesting approval for her 2006 Dance Hall Application. Upon completion and submission of her application, the \$100.00 fee has been paid and deposited in the Treasurer’s Office per *County Code Section 3-38*. .

RECOMMENDATION:

Staff request Board approval on the 2006 Dance Hall Application for Cheryl’s Place as submitted per County Code Section 3-19.

PARKS & RECREATION GRANT APPLICATION

WHEREAS, the Board does hereby direct staff to work in collaboration with the Town of Rocky Mount, US Fish & Wildlife Service, the Natural Resource & Conservation Service, and the Ward Burton Wildlife Foundation to complete and submit a grant request in the amount of \$60,000 to complete initial feasibility study and work for removal of the Power Dam on the Pigg River, and

WHEREAS, the Board does hereby direct to staff to submit said application to the Special Projects Grant Program administered by the Tobacco Commission given the regional benefits of the dam removal project and the potential impact of any recreational improvements at the site, and

WHEREAS, the Board does hereby direct staff to seek leverage funds to match the contribution by the Tobacco Commission, and

WHEREAS, the Board does hereby direct that \$5,000 presently reserved in the Capital Trails Account be applied as the local match to any grant fund received, and

WHEREAS, the Board does hereby direct the County Administrator, or his agent, to execute all grant agreements and be responsible for the appropriate use of funds should the request be approved by the Commission at their April meeting.

AUTHORIZATION TO PURCHASE (2) BUILDING INSPECTOR’S VEHICLES

The Franklin County Building Inspector’s Office currently maintains a fleet of five (5) vehicles for the purpose of conducting day to day inspections. There is currently \$25,931.79 available for vehicle replacement in this Department.

The vehicles operated by Mr. Palmer (1996 Chevrolet Cavalier / 163,000+ miles) and Mr. Altice (1993 Plymouth Sundance / 152,000+ miles) have both surpassed the prescribed mileage and have become costly to maintain.

Recently, the County has begun to utilize the State Contract Program which offers used, late model vehicles with relatively low mileage and warranty. To date this program has saved the County thousands of dollars on replacement vehicles and makes replacement vehicles more readily available.

RECOMMENDATION:

Staff respectfully requests Board approval to purchase two (2) State Contract Program vehicles for the replacement of the above mentioned cars. A request for 2005 Chevrolet Cavaliers will be made at a cost of approximately \$8,500.00 each or a total cost of approximately \$17,000.

It is further recommended that the Board declare the 1993 Plymouth (VIN 1P3XP28D5PN630297) and the 1996 Chevrolet (VIN 1G1JC5246T7265874) “surplus”, upon receipt of the replacement vehicles. These will be reallocated or disposed of in keeping with the County Vehicle Policy and as directed by the Vehicle Group.

AUTHORIZATION TO DELCARE VOTING MACHINES SURPLUS

In keeping with County Policy – the Board of Supervisors is requested to officially declare all vehicles and property, which are taken out of routine services as “surplus”. After this designation – a listing is made available for review among all other County Departments in an effort to determine whether any surplusd items may be re-assigned. All remaining items are sold by the receipt of sealed bid or at Public Auction with all proceeds returned to general fund unless otherwise designated.

As the Board is aware, the County has been required to begin using electronic voting machines this year. The new machines have been delivered and the 52 “mechanical” machines must be properly disposed of in order to free up much needed space.

RECOMMENDATION:

Staff recommends that the Board declare these 52 mechanical voting machines as “surplus”. We have a request from the Franklin County Historical Society that the Board consider the donation of one machine to that group. Should the Board agree to this request, it is recommended that the remaining machines be offered for sale at Public Auction. This year’s Public Auction (held jointly with the School Division) has been set for the last Saturday of April 2006.

It is further recommended that any remaining machines (should they not all sell) be disposed of via salvage with each machine netting approximately \$14.00 (based on current metal prices). No machine should be auctioned at less than salvage value (\$14.00).

AUTHORIZATION TO DECLARE MISCELLANEOUS ITEMS

In keeping with County Policy – the Board of Supervisors is requested to officially declare all vehicles and property, which are taken out of routine service as “surplus”. After this designation – a listing is made available for review among all other County Departments in an effort to determine whether any surplusd items may be re-assigned. All remaining items are sold by the

receipt of sealed bid or at Public Auction with all proceeds returned to general fund unless otherwise designated.

As upgrades (and replacements) are made to office computers, printers, furniture, etc., it is necessary to declare the replaced items as “surplus” and dispose of in the best interest of the County. For the past few years such items have been sold at Public Auction. This years joint auction of the School System and the County has been set for April 29, 2006 and is to be held (as always) at the School Bus Garage.

RECOMMENDATION:

Staff respectfully requests that all accumulated articles (which cannot be re-assigned or retained for future use) be declared surplus and sold at Public Auction the last Saturday of April 2006.

APPOINTMENT: PLANNING COMMISSION 4-YEAR TERM/ROCKY MOUNT DISTRICT

- DOC LAW (*TERM WILL EXPIRE 3/30/2010*)/ROCKY MOUNT DISTRICT
- DAVID WISEMAN (*TERM WILL EXPIRE 3/30/2010*)/BOONE DISTRICT

AWARD OF PORT-A-JOHN BID/PARKS & RECREATION

Franklin County’s park system provides a limited inventory of permanent restroom facilities. Increased use of the parks during summer months necessitates the addition of port-a-john units to provide for visitor comfort. The seasonal nature of use at the majority of these sites does not make the installation of permanent facilities cost-effective. The portable units are placed adjacent to high use facilities such as athletic fields, practice sites, and water features. The County also makes extensive use of portable restroom units to support special events held throughout the County. The County annually seeks bids for the delivery of these services.

County staff followed all required bidding procedures and advertised for the 2006/7 Port-A-John Delivery. The following bidders responded to the request for services:

Vendor	Amount of Quote
Handy John	\$59.00 per Unit (monthly fee) \$59.00 per unit for Special Events \$100 per ADA Unit No additional cleaning fee
K&K Septic	\$55.00 per Unit (monthly fee) \$60.00 per unit for Special Events \$100 per ADA unit No additional cleaning fee

RECOMMENDATION:

Staff reviewed the bid, the vendors, and recommends that the Board of Supervisors award the 2006/7 Port-a-John bid to K&K Septic.

(RESOLUTION #01-03-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above with the Board adding the appointment of Boone District Planning Commission/Re-appointment of David Wiseman and pull the Award of Landfill Tractor Bid until later in the afternoon.

MOTION BY: Charles Poindexter
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

TREASURER’S MONTHLY REPORT

Ms. Lynda Messenger, Treasurer, presented her monthly Treasurer’s Report. Ms. Messenger advised the Board real estate tax collections was at 98% and personal property at 94%; vehicle decals 19,114 (up 3,000 more than last year) and dog tag sales were 14,944.

(RESOLUTION # 02-03-2006)

BE IT THEREFORE RESOLVED by the Board to approve the Treasurer’s monthly report as submitted.

MOTION BY: Charles Wagner
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

ROANOKE VALLEY ECONOMIC DEVELOPMENT ANNUAL REPORT

Phil Sparks, Executive Director, Roanoke Valley Economic Development, presented the annual report for the Roanoke Valley Economic Development as follows:

What Have We Done for You Lately?

- Updated Industrial Park brochure w/ new photo & information on Franklin County Commerce Center
- Posted Franklin County properties on our website, VEDP's website & Fast Facility (*Area Development*)
- 21 hits on 2 properties listed on Fast Facility

What Have We Done for You Lately?

- Included CBI and City's biomedical efforts in *Expansion Management* article
- Brought numerous prospects to Franklin County properties, including several international companies
- Placed news of the Mod-U-Kraf expansion in several site selection publications 2004-2005

•A Look Back

- \$77.2 million in announced new investment
- 322 new jobs
- 3 local expansions
- 1 new company

A Winning Team

Since 1983

Announced New Investment Tops \$1 Billion!

Last Fiscal Year in the Roanoke Valley

- Altec Industries Expansion = \$14M
 - CTS&I Expansion = \$4.1M
 - Arkay Packaging Expansion = \$11M
 - Tecton Products Announcement = \$12.1M
 - Koyo Steering Systems Expansion = \$36M
- \$77,200,000**

A Major Assist

- James Hardie's \$98+ million project in Pulaski
- Result of cooperation between the Partnership and the New River Valley Economic Development Alliance
- The whole region benefits!

In Other News

- Alleghany Highlands joins the Partnership
- Partnership, City of Roanoke & Roanoke County earn AEDO accreditation – among the best in North America
- Ranked near the top by *Expansion Management* & *Cities Ranked & Rated*

Our Winning Strategies

- Advertising
- Trade Shows
- Marketing Missions
- Targeted Industry Sector Campaign
 - Results in company conference calls
- Public Relations
- www.roanoke.org

The Stats

- 36 ads placed

- 56,185 website hits
- 8 trade shows – 1 prospect
- 7 marketing missions – 2 prospects
- 12 conference calls
- 31 editorial placements
- 31 prospect files opened
 - Up from 25 in 2003-2004
- 34 prospect visits
- We typically generate 2 prospects for every 1 the VA Economic Development Partnership brings us

On Deck

Where our current prospects stand:

- 10 have proposals pending
 - 964-1,284 potential jobs/\$102.2-167.4 million investment
- 13 actively considering the region
 - 1,154-1,409 jobs/\$146-160.5 million
- 5 long term
 - 256-590 jobs/\$35.6-84.7 million

General discussion ensued.

NEW TOURISM DIRECTOR

Scott Martin, Director of Commerce and Leisure Services, Deborah Wier. Deborah stated she looked forward to serving the County.

PUBLIC PRIVATE EDUCATION FACILITIES & INFRASTRUCTURE ACT GUIDELINES

David Falwell, Falwell Well Drilling, presented information on the Public Private Education Facilities & Infrastructure Act Guidelines.

David Falwell, introduced Ray Booth, MRG, English Construction, Dan Early, ACE Design, Chris Fewster, Anderson and Associates.

Mr. Falwell stated that in Franklin/Bedford County, there was nothing wrong with the cluster water systems recently approved. A bigger system is better than more and more small clusters. Furthermore, on the Franklin County side, the development is already here and the first phase would be to take affluent water and go directly into drainfields. Ownership was discussed last month. The PPEA provides several options for Private/Public money projects to carve ownership. The Board would have to adopt the PPEA Guidelines prior to action. Mr. Falwell stated the County needed this project with a \$7-\$9M range price tag. The private developers would come up the monies and the developments already approved could be brought back into the PPEA within Phase II & III. Mr. Falwell estimated 2-3 years from today to complete the project for Franklin County. Mr. Falwell stated mandatory connections for any/all new development would be necessary.

General discussion ensued.

Franklin County, Virginia
Public-Private Education Facilities and Infrastructure Act Guidelines
ADOPTED
_____, __ 2006
Franklin County, Virginia
Public-Private Education Facilities and Infrastructure Act Guidelines

Table of Contents

I. Introductionp. 1

II. General Provisionsp. 1

A. Proposal Submissionp. 1

B. Affected Local Jurisdictions.....p. 2

C. Proposal Review Feep. 2

D. Virginia Freedom of Information Actp. 3

E. Use of Public Fundsp. 4

- F. Applicability of Other Lawsp. 4
- G. Individual Responsible to Receive Proposals and Respond to Inquiriesp. 4
- III. Solicited Proposals.....p. 4
- IV. Unsolicited Proposalsp. 5
 - A. Decision to Accept and Consider Unsolicited Proposal; Notice.....p. 5
 - B. Initial Review by the Responsible Countyp. 5
- V. Proposal Preparation and Submissionp. 6
 - A. Format for Submissions at the Conceptual Stagep. 6
 - B. Format for Submissions at the Detailed Stagep. 9
- VI. Proposal Evaluation and Selection Criteria.....p. 10
 - A. Qualifications and Experience.....p. 10
 - B. Project Characteristicsp. 11
 - C. Project Financingp. 11
 - D. Public Benefit and Compatibility.....p. 12
 - E. Other Factors P. 12
- VII. Interim and Comprehensive Agreementsp. 13
 - A. Interim Agreement Termsp. 13
 - B. Comprehensive Agreement Termsp. 13

I. Introduction

The Board of Supervisors of Franklin County, Virginia has adopted these Guidelines to provide guidance for private entities seeking to have the County approve qualifying projects under the Virginia Public-Private Education Facilities and Infrastructure Act of 2002, Chapter 22.1 of Title 56 of the Code of Virginia, 1950, as amended, §§56-575.1, et seq (the “PPEA”).

The County in adopting these Guidelines and naming its PPEA officer charged with the responsibility of open communication with private entities seeking to have projects approved, states that its policy is to provide these Guidelines and PPEA Procedures at no cost to the County, and that the County is requiring private entities submitting unsolicited proposals to pay a proposal review fee and to be responsible for additional fees that the County might incur in engaging experts and other consultants to review and advise on the proposal (See II. C.); in providing public improvements to the citizens of Franklin County in the most economical and in a fair and equitable manner giving equal opportunity to all private entities who choose to submit proposals; and, in insuring the betterment of the lives of the citizens of Franklin County, Virginia.

II. General Provisions

A. Proposal Submission

A proposal may be either solicited by the County or delivered by a private entity on an unsolicited basis. Proposers will be required to follow a two-part proposal submission process consisting of an initial conceptual phase and a detailed phase. The initial phase of the proposal should contain specified information on proposer qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility (See V.A.). The detailed proposal should contain specified deliverables (See V.B.).

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations, including, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 for the development of education facilities, or other qualifying facilities such as “exempt facilities” under Internal Revenue Code §142, using public-private partnerships, and to provide for carryovers of any unused limitation amount. The PPEA is a flexible

development tool that allows the use of innovative financing techniques. Depending on the County's authority and the circumstances of each transaction, financing options might include the use of special purpose entities, sale and lease back transactions, enhanced use leasing, property exchanges, development agreements, conduit financing and other methods allowed by law.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the County. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a scope of work and a financial plan for the project, containing enough detail to allow an analysis by the County of the financial feasibility of the proposed project. The County may establish criteria by which the proposer may provide clarification to the submission. The cost analysis of a proposal should not be linked solely to the financing plan as the County may determine to finance the project through other available means.

B. Affected Local Jurisdictions

Any private entity requesting approval from or submitting a conceptual or detailed proposal to the County must provide each affected local jurisdiction with a copy of the private entity's request or proposal by certified mail, express delivery or hand delivery. Affected local jurisdictions that are not responsible public entities under the proposed qualifying project shall have 60 days from the receipt of the request or proposal to submit written comments to the County and to indicate whether the proposed qualifying project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plans, or (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by the County, and no negative inference shall be drawn from the absence of comment by an affected local jurisdiction.

C. Proposal Review Fee

The County shall receive an analysis of the proposal from appropriate¹ internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity. No fee may be charged by the County to process, review or evaluate any proposal solicited by the County and submitted under the PPEA. The County charges a fee of \$10,000 to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, to cover the costs of outside attorneys, consultants, and financial advisors. The County has determined that such fee is reasonable in comparison to the level of expertise required to review the proposal and is not to be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants and financial advisors.

The proposal fee is intended to cover all of the initial review process. If the cost of reviewing the proposal exceeds the proposal fee, the County may assess the proposer the additional costs deemed necessary to evaluate the proposal.

For rejected proposals, the County will refund any portion of fees paid in excess of its direct costs associated with evaluating the proposal. If the cost of reviewing the proposal is less than the proposal fee, the County will refund to the proposer the excess fee. As noted in Section IV.A.1. below, fees will be refunded entirely if the County decides not to proceed to publication and conceptual-phase review of an unsolicited proposal.

D. Virginia Freedom of Information Act

Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act ("FOIA"). In accordance with § 2.2-3705 A 56 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the County under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the public or private entity or the bargaining position of either party.

Subsection 56-575.4 G of the PPEA imposes an obligation on the County and any affected local jurisdiction to protect confidential proprietary information submitted by a private entity or operator. When the private entity requests that the County not disclose information, the private entity must (i) invoke the exclusion when the data or materials are submitted to the County or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary. A private entity may request and receive a determination from the County as to the anticipated scope of protection prior to submitting the proposal. The County is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, the County shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection, and shall communicate its determination to the proposer. If the determination regarding protection or the scope thereof differs from the proposer's request, then the County should accord the proposer a reasonable opportunity to clarify and justify its request. Upon a final determination by the County to accord less protection than requested by the proposer, the proposer should be accorded an opportunity to withdraw its proposal. A proposal so withdrawn should be treated in the same manner as a proposal not accepted for publication and conceptual-phase consideration as provided in section IV.A.1 below, except that the County may reimburse itself for actual costs incurred.

Once a comprehensive agreement has been entered into, and the process of bargaining of all phases or aspects of the comprehensive agreement is complete, a County shall make available, upon request, procurement records in accordance with Section 2.2-4342.

E. Use of Public Funds

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds apply to any interim or comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

F. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of a County to comply with all other applicable law not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA.

G. Individual Responsible to Receive Proposals and Respond to Inquiries

The individual assigned the responsibility of receiving proposals under the PPEA and also to respond to inquiries as well as to hold informational meetings and to insure the fair treatment of all who submit proposal shall be:

[Name and contact information for PPEA Officer.]

III. Solicited Proposals

The County may issue Requests for Proposals (RFPs), inviting proposals from private entities to develop or operate qualifying projects. The County is using a two-part proposal process consisting of an initial conceptual phase and a detailed phase. An RFP may invite proposers to submit proposals on individual projects identified by the County. In such a case the County will set forth in the RFP the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA.

The RFP should specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The RFP should be posted in such public areas as are normally used for posting of the County's notices, including the County's website. Notices will also be published in a

newspaper or other publications of general circulation and advertised in *Virginia Business Opportunities* and posted on the Commonwealth's electronic procurement site. The RFP will contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences will be held as deemed appropriate by the County.

IV. Unsolicited Proposals

The PPEA permits the County to receive, evaluate and select for negotiations unsolicited proposals from private entities to develop or operate a qualifying project.

The County may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of an RFP, the proposal shall be treated as an unsolicited proposal.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

1. Upon receipt of any unsolicited proposal or group of proposals and payment of the required proposal review fee by the proposer or proposers, the County should determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. If the County determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it should return the proposal, together with all fees and accompanying documentation, to the proposer.

2. If the County chooses to accept an unsolicited proposal for conceptual-phase consideration, it shall post a notice in a public area regularly used by the County for posting of public notices for a period of not less than 45 days. The County will also publish the same notice for a period of not less than 45 days in one or more newspapers or periodicals of general circulation in the jurisdiction to notify any parties that may be interested in submitting competing unsolicited proposals. In addition, the notice will also be advertised in *Virginia Business Opportunities* and on the Commonwealth's electronic procurement website.² The notice shall state that the County (i) has received and accepted an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will accept for simultaneous consideration any competing proposals that comply with the procedures adopted by the County and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations. Copies of unsolicited proposals shall be available upon request, subject to the provisions of FOIA and § 56-575.4 G of the PPEA. The County's PPEA officer is encouraged to answer questions from private entities that are contemplating submission of a competing unsolicited proposal.

B. Initial Review by the County at the Conceptual Stage

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the County for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section V.A.

2. The County will determine at this initial stage of review whether it will proceed using:

- a. Standard procurement procedures consistent with the VPPA; or
- b. Guidelines developed by the County that are consistent with procurement of other than professional services through "competitive negotiation" as the term is defined in § 2.2-4301 of the Code of Virginia. The County may proceed using such guidelines only if it makes a written determination that doing so is likely to be advantageous to the County and the public based upon either (i) the probable scope, complexity or priority³ of need; (ii) the risk sharing including guaranteed cost or completion guarantees⁴, added value or debt or equity investments proposed by

the private entity⁵; or (iii) increase in funding, dedicated revenue or other economic benefit that would otherwise not be available.

3. After reviewing the original proposal and any competing proposals submitted during the notice period, the County may determine:

- (i) not to proceed further with any proposal,
- (ii) to proceed to the detailed phase of review with the original proposal,
- (iii) to proceed to the detailed phase with a competing proposal, or
- (iv) to proceed to the detailed phase with multiple proposals.

In the event that more than one proposal will be considered in the detailed phase of review, the County will consider whether the unsuccessful proposer should be reimbursed for costs incurred in the detailed phase of review, and such reasonable costs may be assessed to the successful proposer in the comprehensive agreement.

4. Discussions between the County and private entities about the need for infrastructure improvements shall not limit the ability of the County to later determine to use standard procurement procedures to meet its infrastructure needs. The County retains the right to reject any proposal at any time prior to the execution of an interim or comprehensive agreement.

V. Proposal Preparation and Submission

A. Format for Submissions at Conceptual Stage

A County requires that proposals at the conceptual stage contain information in the following areas: (i) qualifications and experience, (ii) project characteristics, (iii) project financing, (iv) anticipated public support or opposition, or both, (v) project benefit and compatibility and (vi) any additional information as the County may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include:

1. Qualification and Experience

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties and a description of such guarantees and warranties.
- c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
- d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
- e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.

2. Project Characteristics

- a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- b. Identify and fully describe any work to be performed by the County.
- c. Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- d. Identify any anticipated adverse social, economic and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
- e. Identify the projected positive social, economic and environmental impacts of the project.
- f. Identify the proposed schedule for the work on the project, including the estimated time for completion.
- g. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
- h. State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on the County's use of the project.
- i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.

3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- b. Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds.
- c. Include a list and discussion of assumptions underlying all major elements of the plan.
- d. Identify the proposed risk factors and methods for dealing with these factors.
- e. Identify any local, state or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment.
- f. Identify the amounts and the terms and conditions for any revenue sources.
- g. Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit and how the project will benefit the overall community, region, or state.
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
- c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.

- d. Describe the anticipated significant benefits to the community, region or state including anticipated benefits to the economic condition of the County and whether the project is critical to attracting or maintaining competitive industries and businesses to the County or the surrounding region
- e. Compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget or other government spending plan.

B. Format for Submissions at Detailed Stage

If the County decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the County:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
3. A statement and strategy setting out the plans for securing all necessary property;
4. A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties;
5. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses.
6. A detailed discussion of assumptions about user fees or rates, and usage of the projects.
7. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.
8. Demonstration of consistency with appropriate local comprehensive or infrastructure development plans or indication of the steps required for acceptance into such plans.
9. Explanation of how the proposed project would impact local development plans of each affected local jurisdiction.
10. Identification of any known conflicts of interest or other disabilities that may impact the County's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.
11. Additional material and information as the County may reasonably request.

VI. Proposal Evaluation and Selection Criteria

The following items shall be considered in the evaluation and selection of PPEA proposals.

A. Qualifications and Experience

Factors to be considered in either phase of the County's review to determine whether the proposer possesses the requisite qualifications and experience include:

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition; and
7. Project ownership.

B. Project Characteristics

Factors to be considered in determining the project characteristics include:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology; technical feasibility;
5. Conformity to laws, regulations, and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:

1. Cost and cost benefit to the County;
2. Financing and the impact on the debt or debt burden of the County;
3. Financial plan;
4. Estimated cost; and
5. Life-cycle cost analysis.

D. Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:

1. Community benefits;
2. Community support or opposition, or both;
3. Public involvement strategy;

4. Compatibility with existing and planned facilities; and
5. Compatibility with local, regional, and state economic development efforts.

E. Other Factors.

Other factors that may be considered by a County in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;
2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;
5. Local citizen and government comments;
6. Benefits to the public;
7. The private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity's plans to employ local contractors and residents; and
9. Other criteria that the County deems appropriate

VII. Interim and Comprehensive Agreements

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with the County. Prior to entering a comprehensive agreement an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project.⁶ The County may designate a working group to be responsible for negotiating any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of the County and the selected proposer with regard to the project.

A. Interim Agreement Terms

The scope of an interim agreement may include but not limited to:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility through financial and revenue analysis;
6. Establish a process and timing of the negotiation of the comprehensive agreement; and
7. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

B. Comprehensive Agreement Terms

The scope of the comprehensive agreement shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review of plans and specifications for the qualifying project by the County;
3. The rights of the County to inspect the qualifying project to ensure compliance with the comprehensive agreement;
4. The maintenance of a policy or policies of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the private entity by the County to ensure proper maintenance;
6. The terms under which the private entity will reimburse the County for services provided;
7. The policy and procedures that will govern the rights and responsibilities of the County and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the private entity by the County and the transfer or purchase of property or other interests of the private entity by the County;
8. The terms under which the private entity will file appropriate financial statements on a periodic basis.
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that are the same for persons using the facility under like conditions and that will not materially discourage use for the qualifying project;
 - a. A copy of any service contract shall be filed with the County;
 - b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request;
 - c. Classifications according to reasonable categories for assessment of user fees may be made;
10. The terms and conditions under which the County may contribute financial resources, if any, for the qualifying project;
11. The terms and conditions under which existing site conditions will be assessed and addressed, including identification of the responsible party for conducting the assessment and taking necessary remedial action; and
12. Other requirements of the PPEA.

Any changes in the terms of the interim or comprehensive agreement as may be agreed upon by the parties from time to time shall be added to the interim or comprehensive agreement by written amendment.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

REVISION TO SUBDIVISION & ZONING ORDINANCE

Clyde Perdue, Attorney, presented a request regarding Christmas Tree Island subdivision. Mr. Perdue requested the Board to consider a proposed draft of an amendment to both the Zoning

and Subdivision Ordinance to provide for the division of an island tract. Basically, this agreement would eliminate the single obstacle to the division of Christmas Tree Island, i.e. the necessity of fronting on a public road. The following was offered as a suggested ordinance:

ISLAND SUBDIVISION:

Land located on Smith Mountain Lake and surrounded by water (that is no frontage on a state maintained road), an “island”, may be subdivided provided that no island shall be divided to create more than two (2) lots and that each lot so created shall have a minimum of combined square footage above the 800’ contour of not less than 0.810 of an acre.

The Board’s consensus was to forward to the Planning Commission for their review and consideration to the proposed ordinance.

REQUEST UP-FRONT FUNDING FOR BOILER REPLACEMENT FOR BENJAMIN FRANKLIN MIDDLE SCHOOL-WEST

Lee Cheatham, Director of Business and Finance, School System shared with the Board the following request.

The two boilers in West Hall have been there since the building was constructed and are approximately 30 years old. They are scheduled for replacement in the next budget cycle. If they are replaced it is essential that we study the associated time frame so as not to disrupt services to the building. The biggest concern connected with the project is that hot water is supplied to the building from the boilers. Consequently, it is critical that we establish a timeline that allows the replacement to occur prior to the start of the 2006-07 school year.

We are recommending that approval be given that allows the engineering firm to begin the design phase in March. This will allow us to complete the project prior to the start of school. Below please find the timeline associated with the proposal:

March 14	Engineering firm begins design work
March 21	Request permission from the Board of Supervisors to allow us to commit \$385,244 now from the 2006 - 07 School Capital Projects Fund (only some of the \$35,500 in engineering fees will be spent prior to July 1, 2006, not the other \$349,744.)
March 31	Documents to owner for review
April 9	Advertise for bids
April 24	Bids due
May 1	Award contract
May 26	Equipment submittals approved
June 12	Begin construction
July 14	Equipment arrives on site
August 18	Project completed

Estimated Project Costs:

Engineering Fees	\$	35,500
Boiler		
Replacement	\$	299,723
Original Estimate	\$	335,223

Add Alternates – Replacements:

Hot water pump	\$	19,750	
Hot water dual element tank	\$	30,271	
Total Estimated Cost	\$	385,244	(\$35,500 + \$349,744)

(RESOLUTION #03-03-2006)

BE IT THEREFORE RESOLVED by the Board to approve the \$385,244 up front monies for the requested project.

MOTION BY: Russ Johnson
SECONDED BY: Charles Poindexter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

WORKFORCE DEVELOPMENT CONSORTIUM SOLICITATIONS FOR BIDS

Chris Whitlow, Assistant County Administrator, shared with the Board the Franklin County Workforce Development Consortium was established in 1999 to bring together representatives from local government, local school system, colleges, and community based agencies for the purpose of creating a “single service delivery system”, specifically addressing issues of employment, training, and education for the citizens and employers of the community. In July 2000, the Consortium also became a One Stop Center for the Western Virginia Workforce Development Board with the approval of the State. In August 2001, the Workforce Development Consortium moved into the upper level of the renovated West Campus High School facility. The Franklin County Workforce Development Consortium/Virginia Workforce Center has recorded over 60,000 on-site customer transactions since August 2000. Many customers and employers have utilized and continue to access services addressing issues relative to employment, training, and education. The growth of workforce services and training programs has resulted in the demand for newly expanded space. The Board of Supervisors has authorized such an expansion with the design and financing of a new Workforce Center. Over the course of the last year, staff has worked with the Consortium and the project architectural team of Thompson & Litton to develop a set of building construction documents and specifications.

Please find submitted for your review the proposed new Workforce Development Center building plans as follows: front elevation rendering, area site plan, building elevations, and building floor plans. The proposed new, two-story Workforce Center will more than triple the size of the existing facility thereby adding four new instructional classrooms, two new laboratory classrooms, three new & expanded computer classrooms, a large, multi-tiered lecture classroom, an expanded multi-purpose room, an executive conference room, an expanded career resource center, as well as provide additional faculty & staff offices. The new Workforce Development Center will be a technologically advanced facility primed with the most up-to-date instructional equipment.

As discussed at the January 24th Board Work Session, the current uncertainty in the construction market has cautioned the project cost estimators to include an additional 10% cost escalation factor to be figured into the project. The 10% cost escalation is in addition to the existing 5% building contingency. As such, the estimated project costs were increased as follows:

	BUDGET	ESTIMATE
Land Acquisition	\$145,000	\$145,000
Prelim. Environmental Review	\$1,680	\$1,680
Site Development, Demolition, and Geotechnical Investigation	\$415,000	\$608,381
Building Construction	\$3,570,750	\$4,034,348
Building Contingency (5%)	\$178,538	\$178,538
Telecom Cabling / Phone	\$75,000	\$106,358
A/V Computer Equip. Allowance	\$300,000	\$300,000
Furnishing Allowance	\$250,000	\$300,000
Expenses	\$30,000	\$30,000
Resident Project Inspector	\$131,040	\$0 * In House
A / E Design Fee	\$347,100	\$365,100
	\$5,444,108	\$6,069,405

Please note it appears the County will be allowed to save some funds from utilizing existing, County General Properties Department staff to complete the *Resident Project Inspection* duties

required by some of the grant agencies. Please further note should the 10% cost escalation not materialize, the architects expect the project cost to come in at or near budget. An updated project estimate is expected from the architects within the coming days. More exact total cost(s) will not be realized until the project bids are received.

On July 13, 2005, the County secured a loan of approximately \$6,500,000 from BB&T. Approximately \$1,000,000 of the loan is dedicated to the Radio Communications project while the remaining **\$5,500,000** of the loan is dedicated to the construction and equipping of the new Workforce Center. During the last couple of years, the County has secured various grants toward the funding of the Workforce Center project. Currently, approximately **\$1,000,000** in grant funding is pending from the Economic Development Administration (EDA). If awarded a grant from EDA, the majority of the approximate **\$3,682,804** of total grant funding will be utilized to repay the project costs, principal balance, and any associated interest of the County's loan obligation to BB&T. The following is a breakdown of the grant revenues for the project:

Current Estimate Project Costs:	\$6,069,405
(Less)	
VA Tobacco Commission (June, 2004)	\$150,000
CDBG (August, 2004)	\$700,000
VA Tobacco Commission (Jan., 2005)	\$1,311,426
VA Tobacco Commission (Nov., 2005)	\$421,378
Carilion Foundation (Jan., 2006)	\$100,000
EDA (April, 2006 <i>*pending</i>)	\$1,000,000
	\$3,682,804 (total grant funding)
 Total Projected Local Funding	 \$2,386,601 (local funding repayment of loan)

If awarded the EDA grant of \$1,000,000 whereby all other grant awards mesh smoothly and the project construction costs come close to projected estimates, then approximately **\$3.6 million** would be paid for through grant revenues (**potentially 60% of the project's total costs**)! The remaining balance of approximately \$2.4 million would come from local dollars.

All grant funding organizations (i.e. Tobacco Commission, DHCD, EDA) and other intergovernmental review agencies are currently reviewing the project construction documents. These agencies must give clearance prior to project bidding. The County expects to receive any outstanding agency approvals within the next couple of weeks.

RECOMMENDATION: Staff respectfully requests the Franklin County Board of Supervisors authorize the County Administrator, staff, and associated project architects (Thompson & Litton) to formerly advertise the construction and equipping of the new Workforce Development Center pending any final clearances from funding organizations (i.e. Tobacco Commission, DHCD, EDA) and other intergovernmental review agencies.

(RESOLUTION #04-03-2006)

BE IT THEREFORE RESOLVED by the Board to approve staff's recommendation as submitted.

MOTION BY: Charles Wagner

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

WORKFORCE DEVELOPMENTAL CENTER NAME CHANGE

Scott Martin, Director of Commerce and Leisure Services, stated the Board of Supervisors directed County staff to work through the County economic development advertising agency (ND-P Agency in Roanoke) to develop a name and visual presentation proposal for the new Workforce Development Consortium. The Board felt that the new building should have a name that more accurately represents the activities that will occur within its future walls. A name needed to be developed that would invite people of all educational levels into the building.

County staff and ND-P creative team members met three times to work through the name and visual presentation package. It was determined that the County wished the building to have a more easily understood name than the present consortium. Further, County staff wanted as simple a working name as possible for the building so individuals and groups can reference it without confusion when giving directions, talking about where a class will be held, or discussing the programs offered through it. Finally, County staff felt it was imperative that the building take on a name and identity that went further than consortium given the new classes and activities that

the new structure will accommodate. The new structure will offer programs along the following general operational lines:

- Basic Education
- Continuing Education
- Higher Education
- Professional/Technical Seminars & Workshops (Skill Focused)
- Industry & Business Sector Training & Workshops (Industry Focused)
- Small Business & Entrepreneurship Development Resources

RECOMMENDATION:

Review the proposed name and visual presentation package and consider adoption as the working name for the new workforce development center.

Franklin Center for Advanced Learning & Enterprise – New Name Proposed

Mike Dorsee, shared with the Board the following powerpoint:

(RESOLUTION #05-03-2006)

BE IT THEREFORE RESOLVED by the Board to approve staff’s recommendation as submitted.

MOTION BY: David Hurt
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Quinn & Angell
NAYS: Johnson

FRANKLIN COUNTY SPEEDWAY 2006 OUTDOOR ENTERTAINMENT APPLICATION

Richard E. Huff, II, County Administrator, advised the Board as in years past, Donald “Whitey” Taylor is requesting approval for his 2006 Annual Outdoor Occasion Permit for the racing season. The submitted Outdoor Occasion Permit for F. C. S. Enterprise, Inc. is enclosed for your review and consideration.

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2006 Outdoor Occasion Permit for Mr. Taylor.

Per County Code Section 13-29.4 the fee of \$100.00 has been remitted and deposited with the County Treasurer’s Office.

RECOMMENDATION:

Staff request Board approval on the 2006 Outdoor Occasion Permit application as submitted per County Code Section 13-29.1.

General discussion ensued.

(RESOLUTION #06-03-2006)

BE IT THEREFORE RESOLVED by the Board to approve staff’s recommendation as submitted with the additional conditions imposed as stated for the in-field area.

MOTION BY: David Hurt
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PROPOSED NEW COUNTY PROGRAM FOR ROLL-OFFS AT COLLECTION SITES

Bonne N. Johnson, Assistant County Administrator, advised the Board the staff had suggested purchasing roll-off boxes and a roll-off truck instead of the collection truck that was due this year, and the staff had intended this to allow roll-off boxes to be put in locations not served by them at this time, and to have for emergencies and cleanups. The Spring-Fall cleanup would remain in place with a private contractor. The Board suggested instead that the staff look at creating a program which would make the roll-off program a County function.

The adopted budget this year for this program is \$93,176 (#4203-3002). The Board had added about \$24,000 to the staff proposal of about \$69,000 to allow additional weeks of roll-off service. The proposed budget for FY 06-07 is \$103,176. Staff says that the extra \$10,000 would allow 3 weeks of both the Spring and Fall Clean-up Program at the 10 sites.

The Costs:

1) **Current Program:**

Spring Cleanup '05 (2 weeks at 10 sites)	\$ 30,000
Fall Cleanup '05 (3 weeks at 10 sites)	\$ 39,000

Special Pickups/Services (Christmas, etc.)	\$ <u>24,300</u>
Total Private Contract Program	\$ 93,300

2) Proposed Program:

Operations (1st year):

New Staff (Operator)	\$ 32,262
Truck fuel, tires, etc. (based on current avg.)	\$ 15,000
Ongoing Costs (special pickups)	\$ <u>24,300</u>
Subtotal Operations:	\$ 71,562

Capital (1st year):

Truck (1)	\$125,000
6 boxes @ \$5,000	\$ <u>30,000</u>
Subtotal New Capital Costs (1 st Year)	\$155,000

Total: County Program (1st year) \$226,562 (68% is capital)

County Program (2nd Year):

Operator (1)	\$ 32,262 (plus any raises)
Fuel, tires, etc.	\$ 15,000
Ongoing private special service	\$ <u>24,300</u>
Total: County Program (2 nd year)	\$ 71,562

Cost and Services Differences:

- Existing Program costs (operations only) app. \$93,300 (budgeted \$93,176). Next year, proposed budget is \$103,176, allowing one more week of the Spring cleanup program as it is presently run.
- New Program costs \$71,562 (operations) and \$155,000 (new capital)
- Cost Difference is \$21,614/year in operational savings, excluding capital (\$31,614 vs. new budget amount).
- The operational savings would pay off the new capital in about 7 years at present operational costs, and 5 years at proposed operational costs.
- The Existing Program provides 10 sites 5 weeks/year of roll-offs; new budget would provide 10 sites 6 weeks/year of roll-offs.
- The New Program provides 10 sites 10 weeks/year of roll-offs.

Proposed Implementation of New Program:

- The FY 05 capital budget would be requested to be rolled over to FY 06 and \$155,000 added to implement this program. The FY 06 capital requests should continue to be implemented as requested.
- The landfill equipment capital budget will need to fund:
 1. The new rolloff truck and boxes (\$155,000)
 2. The garbage truck not bought this year (\$160,000) (ROLLOVER)
 3. The excavator (\$300,000)
 4. The 1.25 ton clean-up truck (\$50,000)
- The FY 06 Collections operations budget would include \$32,262 for the new staff person and \$15,000 for fuel, tires, etc., totaling \$47,262 in new costs. The ongoing special pickups by private haulers would remain at \$24,300. The operations budget for the current roll-off program is now \$93,176. The new program would cost about \$71,562 in operations. There is a net savings of \$21,614/year over the existing program, and a net savings of \$31,614 over the proposed operational budget.

RECOMMENDATION: To implement a County-run roll-off program, there would be operational costs of \$47,262 and ongoing costs of \$24,300, totaling \$71,562, compared to the present program of \$93,176. The first year of the program \$155,000 in new capital money would be required.

If we delete the present private program, there is an annual operational surplus of \$21,614 in the operations budget at its present level of \$93,176, and a savings of \$31,614 in the new proposed budget line item of \$103,176. The new capital costs would be repaid in about 7 years with the savings from the new program.

Service would be improved to the 10 sites now served; they would receive 10 weeks of roll-off service over the year instead of 5 weeks (presently) or 6 weeks (proposed budget). The benefits would be the improved service and the decreased annual operational costs.

It is recommended that the Board of Supervisors consider the new County roll-off program and determine whether it would rather include this in the upcoming FY 06-07 budget (operations line item of \$71,600 and capital increase of \$155,000) or continue with the existing program as proposed in the upcoming budget.

The Board’s consensus was to approve staff’s aforementioned recommendations.

2006-2007 COUNTYBUDGET PRESENTATION

Richard E. Huff, II, County Administrator, presented the proposed 2006-2007 Proposed County Budget as follows:

Dear Chairman Angell and Members of the Board:

It is my pleasure to transmit to you today my recommendations for a balanced 2006-2007 Budget for the citizens of Franklin County. I am pleased that I am able to recommend this spending plan for your consideration and look forward to the Board’s feedback and response to the many difficult decisions that went into this recommendation.

As you know, Section 15.2-2503 of the Code of Virginia, as amended, states that the County budget shall be developed for “informative and fiscal planning purposes only”. It serves as a plan for County operations, maintenance, capital outlay, and debt service and may include reserves for contingencies and future capital improvements. The annual budget must contain a complete itemization of all estimated expenditures, revenues, and borrowings and must be approved by the governing body prior to July 1 of each year. Similarly, the School Board Budget must be adopted by May 1 of each year.

The power of the Board of Supervisors to grant or withhold funds is an important means by which it can determine general County policies and the level of services to be offered. Budgeting is a planning process required by law that enables the Board of Supervisors to examine requests for County funds, to anticipate revenue needs, and to make decisions about the priority of programs and level of services to be provided. It is a work-plan expressed in terms of dollars and as such is an important tool of fiscal management.

Staff’s recommendation for the County’s fiscal plan for the FY07 Budget totals \$107,651,913. Although this total represents only a 0.12% increase over the current year budget, you may remember that the current year budget includes borrowing proceeds and landfill set aside funds (\$9.2 million). Factoring out those additional funds in the current year budget yields a current year adjusted budget of \$98,232,207. The increase from the FY07 proposed budget to the current year adjusted budget is \$9.4 million and is broken down roughly as follows:

- \$6.5 million increase for Schools
- \$1.7 million for capital (includes Windy Gap Elementary Capital Reserve of \$248,876 and \$1,290,000 of one-time funds for capital improvements)
- \$436,800 for Social Services – offset almost entirely by increased revenues
- \$800,000 increase for Local Government Operations

<u>Function</u>	<u>Adopted 2005-2006 Budget</u>	<u>Proposed 2006-2007 Budget</u>	<u>Difference</u>	<u>Percent Change</u>
General				
Administration	\$ 2,930,634	\$ 3,530,181	\$ 599,547	20%
Judicial System	2,018,704	2,273,296	254,592	13%
Public Safety	7,653,749	8,496,812	843,063	11%
Public Works	1,540,100	1,841,372	301,272	20%
Health and				
Welfare	9,370,650	8,743,614	(627,036)	(7)%
Schools	64,786,276	71,271,811	6,485,535	10%
Recreation &				
Cultural	1,229,831	1,376,123	146,292	12%
Community				
Development	2,158,963	2,583,704	424,741	20%

Debt Service	1,051,275	1,404,530	353,255	34%
Non-Departmental Capital Outlay, Utilities	409,300	455,300	46,000	11%
	<u>14,330,674</u>	<u>5,675,170</u>	<u>(8,655,504)</u>	(60)%
Totals	\$ <u>107,480,156</u>	\$ <u>107,651,913</u>	\$ <u>171,757</u>	0%
Less Borrowed Funds				
And Landfill Set Aside	<u>(9,247,949)</u>		<u>9,247,949</u>	(100)%
Adjusted Budget	\$ <u><u>98,232,207</u></u>	\$ <u><u>107,651,913</u></u>	\$ <u><u>9,419,706</u></u>	10%

There were a number of concerns and circumstances that set the stage for the budget development this year and provided the framework by which this proposed budget was developed:

- Additional resources for volunteer Fire/Rescue/Public Safety support are recommended in the form of additional night time Advanced Life Support personnel, an EMT Instructor/Arson Inspector, expanded training, and increased stipend support for Volunteers. This recommendation will allow, for the first time, 24/7 ALS coverage in the County.
- Absorbed a 28% Increase in Fuel Costs for schools and local government (\$535,000).
- \$100,000 increase in Juvenile Detention Costs.
- \$75,000 increase in the debt service reserve to reduce the impact of future debt service.
- Additional Parks and Recreation programs including Adult Lacrosse and Flag Football and online Shelter and Youth Sports Registration.
- Disaster recovery protection of mission critical Information Technology Infrastructure.

In terms of school funding for FY07, I am recommending the following:

- ☞ Operational Increase of \$1,350,000 in new money or a 6.2% increase from FY 2005-2006. Total School Operational Support of \$25.2 million or 42% of General Fund Expenditures. Operational and Capital Total Support of \$26.5 million or 44% of General Fund Expenditures.
- ☞ Maintain School Capital funding at the \$1,000,000 level. This amount includes \$351,030 in debt service reduction from prior years that will be rededicated to debt service upon the opening of Windy Gap Elementary School, most likely in the 2008-2009 fiscal year. Also included in the County Capital Fund is the School Debt Service reduction amount of \$248,876 which is being set aside as additional capital for Windy Gap Elementary when that school opens.

Other Highlights in the Budget Include:

- New Erosion & Sediment Control Inspector to handle the Septic Pump Out Ordinance recently adopted by the Board of Supervisors
- 5% increase in Employer Health Insurance Contributions
- Added \$10,000 to increase major roll-off box/Spring & Fall Cleanup Program
- 23% jump in workers compensation insurance premiums
- 14% increase in social service programs primarily in the area of special needs for children in foster care and for elderly and disabled careEmployee portion of VRS paid in lieu of a salary increase for local government employees

Major Capital Improvements Proposed for FY07:

- Bridge at Waid Park funded from Fund Balance Reserves (\$290,000)

- Funds \$87,750 for Disaster Recovery Protection of Mission Critical Information Technology Infrastructure
- Funds \$120,000 in Enhanced Parks & Recreation Facilities
- Continues Significant Landfill Monitoring and Groundwater Corrective Action Expenditures
- Includes \$666,000 for Public Safety and Law Enforcement Apparatus, Vehicles and Improvements
- Provides Planning Funds for a Future Business Park

The recommendations outlined above are recommendations that require the 2006-2007 Budget be funded with the following existing tax rates:

Real Estate	\$0.53per \$100 assessed valuation
Personal Property	\$1.67 per \$100 assessed valuation
Machinery & Tools	\$0.60/\$0.27 per \$100 assessed valuation
Merchants Capital	\$1.08 per \$100 assessed valuation

In closing, I would be remiss if I did not extend my utmost gratitude to the County’s staff, who have worked diligently in the preparation of this plan. I would be happy to answer any questions which may have been generated and staff looks forward to working with you over the next several weeks to produce a plan that addresses our fiscal responsibilities for the coming year.
Respectfully submitted,

Richard E. Huff, II
County Administrator

AWARD OF LANDFILL TRACTOR BID

The purchase of a tractor was approved in July 2005. The current landfill tractor is a John Deere 1974 model, 2-wheel drive, and it will not climb or go down slopes safely (slides). We don’t know how many hours are on it because the meter has been broken for 10 or more years. The hydraulics need repairs now. If we are able to replace this tractor, we would recommend that it be declared surplus and sold.
The tractor is used for bush-hogging, seeding slopes, scraping the gravel roads (interior), loading tires, and it will be used to load mulch on the public’s vehicles in the recycling program.

We received bids on February 17, 2006. Three bids were received but one had to be rejected because it did not have the accompanying bond. The two complete and timely-filed bids received were:

Anderson Tractor....John Deere 5525 with a 542 loader..... \$46,821.04

Franklin Welding and Equipment....New Holland TL98 and loader..... \$43,697.50

The difference is \$3,123.54.

There is a 2-year warranty on either of these tractors.

Both tractors met the bid specs with three exceptions. (1) The bid specs required a wet sleeve piston. The John Deere has the required wet sleeve piston while the New Holland does not. (2) The bid specs ask for an electric hydraulic system to raise the 3-point hitch. The John Deere has this and the New Holland has a manual system. (3) The bid specs ask for an electric hydraulic to engage the 4-wheel drive. The John Deere has this and the New Holland has a manual system. In order to award to Franklin Welding, the Board will need to find that the dry sleeve piston, and the manual as opposed to electrical hydraulics of the New Holland equipment, are of equal quality to the equipment of the John Deere.

RECOMMENDATION: It is recommended that the Board award the landfill tractor bid to Franklin Welding and Equipment for a New Holland TL98 and loader at \$43,697.50, with the appropriate finding that the tractors are comparable equipment. The tractor will be paid for from the capital account #C9105-7022. It is also recommended that the 1974 landfill tractor be surplusd and sold when the new tractor is available.

General discussion ensued on the wet/dry sleeve.

Mr. Poindexter and Mr. Mitchell will assist staff to draw up specifications for the re-bidding of the landfill tractor.

(RESOLUTION #07-03-2006)

BE IT THEREFORE RESOLVED by the Board to reject all the bids as received and re-bid with reaffirmed specifications for the landfill tractor due to the life cycle of the tractor.

MOTION BY: Hubert Quinn

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

OTHER MATTERS BY SUPERVISORS

David Hurt, Boone District Supervisor

- Va. Outdoors Foundation Grant Request/PDR Proposal

I plan to introduce a motion in April to apply for a \$350,000 grant from the Virginia Preservation Trust Fund to be matched by the entire \$50,000 in the County's open space conservation set-aside fund. If awarded, the grant will fund the beginning of a Franklin County Purchase of Development Rights (PDR) program over the next 2 years. The Virginia Preservation Trust Fund was created by the General Assembly, is funded with state tax dollars, and is managed by the Virginia Outdoors Foundation. I've shared some detailed written information with each of you, including a model PDR ordinance, but wanted to highlight a few points today, hear any concerns any of you may have, and invite everyone to ask any question you might have – either today or by following up with me later – so that I can be better prepared in April.

PDR's are a way for local governments to pay landowners to not develop their property. The benefits of such a voluntary, free-market approach are numerous and, by leveraging local money with outside grant support, I believe very cost-effective.

I've passed out a sheet with several facts and statistics that support the need for a PDR program and I just want to highlight a few: (COCS study, ag statistics, planning language and University of GA quote.)

Conserving rural land is good for our environment, our culture, and our economy. If our County budget truly reflects our values and priorities, then it is time to make investments in a PDR program so that it will be possible to have an agricultural community and a rural landscape a generation from now.

The details of a PDR program can vary widely depending upon what a community most values. For example, one of my preferences would be to rank PDR applications to favor farmers who would reinvest the PDR payments in upgrading farm facilities, diversifying into new agricultural ventures, or implementing best management practices to protect water quality. But these are the kinds of details that can be worked out later and that need to be worked out with the help of stakeholders such as local landowners, Farm Bureau, the cooperative extension service, our planning commission and others.

The grant application does not need to detail every aspect of a PDR program – that would be up to us to develop later. There is also no requirement to spend the money and if the funds are later returned unspent, there is no requirement to spend our \$50,000 match. But by applying for the grant, we are obviously expressing a desire to develop a PDR program and we shouldn't apply unless we are committed to doing so. If we apply for and are awarded this grant, \$400,000 still won't go that far. But it will help us get a program up and running and put us in a much better position to receive a variety of state, federal and private funds that are either in place or being developed. Even with future grants and the possibility of state money, a successful PDR program will require more local money in the future, and I think it is an appropriate and necessary use of local dollars that could play a key role in keeping future tax increases in check. I also believe that we must proceed with guidelines for accepting cash proffers and that supporting a PDR program to help conserve farmland and forests is an appropriate use for cash proffers.

With that, I invite any comments or questions and I hope that we can move forward next month with a grant application to the Virginia Preservation Trust Fund.

Considerations for a Franklin County Purchase of Development Rights (PDR) Program

David A. Hurt, Boone District Supervisor

March 21, 2006

- Virginia Farm Bureau Young Farmers named availability of land as the number one concern to the future of agriculture in a 2005 survey
- *Virginia Farm Bureau News*
- Bedford County agricultural land consumes only 25 cents in services for every dollar of real estate tax revenue it generates, even with use-value assessments
- 2005 Bedford County Cost of Community Services Study
- “In not a single instance did residential development generate sufficient revenues to cover its associated expenditures... In fact, when a rural community with a large base of farm and forestland begins to convert that land into residential development, the local government is virtually guaranteed to head down a path of deteriorating financial stability and increasing property tax rates.”
- 2002 University of GA study of 70 counties in GA, TX and VA.
- Annual Franklin County farm cash receipts are \$41 million - 13th in Va.
- Va. Department of Agriculture and Consumer Services
- Franklin County is the #2 dairy county in Virginia.
- Va. Department of Agriculture and Consumer Services
- Franklin County has 29 recognized Virginia Century Farms – the third highest number in Virginia.
- Va. Department of Agriculture and Consumer Services
- “Develop a strategic plan for open space preservation that identifies key wildlife/conservation sites and opportunities, identifies acquisition agencies and programs, and preserves appropriate open space areas for the benefit of future generations.”
- Franklin County Comprehensive Plan
- “Develop an effective public education program to improve and encourage conservation of the county’s air, land, water, soil, farm, forest, and wildlife resources.”
- Franklin County Comprehensive Plan
- “Support the efforts of effective federal and state programs that help conserve farm and forest lands.”
- Franklin County Comprehensive Plan
- “Use incentives to encourage the preservation of open space and to discourage the conversion of active agricultural land to other uses.”
- *Charting a Course for Smith Mountain Lake*
- “Attract and retain knowledge-oriented enterprises and people by using natural resources and quality of life as assets to be marketed...”
- 5th PDC Regional Alliance Economic Strategy
- “Preserve agricultural base...”
- West Piedmont Comprehensive Economic Development Plan
- “When your community looks like every other community, nobody will have a reason to go there.”
- Ed McMahon, Community Planner
- Number one reason commuting workers live in Franklin County is because of its rural atmosphere
- Franklin County Commuter Workforce Study

This item will be included in the April agenda.

- **County Vehicle Decals** – Mr. Hurt stated several constituents had requested him to implement this for the County. The Board directed staff to check with the Treasurer to get the pros/cons for the elimination of the County Vehicle Decals.
- **Clements Mill Road** – Mr. Hurt requested an update on the Clements Mill Road. Mr. Huff stated that Mr. Quesenberry, VDOT, Resident Engineer, with Salem District office will meet with the Board during their April 18th, 2006 meeting to discuss the Clements Mill Road. Mr.

Hurt requested the County Administrator to forward the pertinent data from VDOT in a Friday packet prior to the April meeting.

Charles Poindexter, Union Hall District Supervisor

- **VDOT Study for St. Rts. 40, 122 & 24 Broaden** Mr. Poindexter advised the Board he had read VDOT was conducting a \$1/4 million study on Routes 40, 122 and 24. Mr. Poindexter requested the County Administrator to submit a letter to VDOT to ensure the study also included St. Rts. 834 and 616. The Board requested staff to forward this information in a Friday packet.

Russ Johnson, Gills Creek District Supervisor

- **Noise Ordinance** Mr. Johnson requested the Board to re-advertise for public hearing during the April 18th, Board meeting for the Noise Ordinance.

Discussion was held on advertising the proposed Noise Ordinance with a decibel range of 60-80 and to include the entire County or a lesser designated area to be designated after the public hearing is held.

(RESOLUTION 08-03-2006)

BE IT THEREFORE RESOLVED by the Board to re-advertise for public hearing the proposed Noise Ordinance will have a decibel range of 60-80 with a definite level to be designated at the time of passage after the public hearing is held. The ordinance will be considered for the entire County or, alternatively, will apply to an area 500 feet, measured horizontally, inland from the 795 foot contour line of Smith Mountain Lake and anywhere on the waters of Smith Mountain Lake

MOTION BY: Russ Johnson

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PUBLIC COMMENT

- Bill Telford – Humane Society/Animal Shelter

Mr. Telford shared with the Board a proposal for now and the future of the Franklin County Humane Society. Mr. Telford is to complement and assist the current operations of the animal shelter.



CHART 1



- **TO COMPLEMENT AND ASSIST THE CURRENT OPERATIONS OF THE ANIMAL SHELTER**

CHART 2



WHAT WOULD WE DO?

- TO PROVIDE PROFESSIONAL VETERINARY CARE FOR NEEDY ANIMALS
- DETERMINE STATUS OF ANIMALS
 - EUTHANIZE OR SAVE
- ASSIST IN/PROMOTE ADOPTION OF ANIMALS
- MAINTAIN LONGER OFFICE HOURS
 - 42 HOURS PER WEEK
 - 9 AM TO 3 PM – 7 DAYS/WEEK
- COMPLY WITH ALL GOVERNMENT REGULATIONS

CHART 3



PREVIOUSLY EXPRESSED CONCERNS

- COST OVERRUNS
 - **NO** : FIXED PRICE CONTRACT
- NO ANIMALS WILL BE EUTHANIZED
 - **NO**: BASED ON HEALTH/ADOPTABILITY
- PETA AFFILIATION
 - **NO**: ACCEPTED DONATIONS ONLY
- CAN STAFF WORK WITH INMATES?
 - **YES**

CHART 4



BENEFITS TO FRANKLIN COUNTY

- IMPROVED PUBLIC RELATIONS IN A RAPIDLY GROWING COMMUNITY
- INCREASED ADOPTIONS OF ANIMALS
- “FREES UP” ANIMAL CONTROL OFFICERS OF SHELTER AND OFFICE DUTIES
- ALLOWS FOR VOLUNTEERS AND DONATIONS FOR SUPPORT
- INCREASES CAPABILITY TO FIND OWNERS OF LOST ANIMALS
- SPAYING/NEUTERING

CHART 5



COST

TOTAL ESTIMATE:		\$ 49,210
LESS DONATIONS:	-	<u>7,800</u>
TOTAL COST TO COUNTY		\$ 41,410

CHART 6



RECOMMENDATION

**BUDGET FOR CONTRACTING
SERVICES FOR
HUMANE SOCIETY**

CHART 7



CHART 8

This item will be discussed during a budget work session.

Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

PETITION of LEONARD R. PARTRIDGE, as Petitioner, Owner of Property John J. Wessel and Elaine V. Wessel, requests to Rezone approximately 1.036 acres of land, a portion of approximately 65.283 acres, currently zoned A-1 Agricultural to B-2 Business District General, for the purpose of constructing a model home and sales office facility. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located on State Route 122 approximately one (1) mile northeast of Westlake Corner, Route 616 intersection in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 15, Parcel # 64.

Erick Ferguson, Attorney, presented the rezone request.

Charlie Jordan expressed opposition for the proposed extension of the business zoning into the residential area.

(RESOLUTION #09-03-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to deny the request for rezone as advertised.

MOTION BY: Russ Johnson
SECONDED BY: Charles Poindexter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Johnson, Quinn
NAYS: Wagner & Angell

PUBLIC HEARING

The Franklin County Board of Supervisors will hold the following public hearing on **Tuesday, March 21st, 2006@ approximately 6:00 P.M.,** in the Board of Supervisors Meeting Room, Franklin County Courthouse, Rocky Mount, Virginia:

The proposed public hearing will be held to receive public comment on a request made by Crisis Pregnancy Center to receive exemption from taxation on real estate property owned by Crisis Pregnancy Center. The estimated assessed value for the following properties is as follows:

MAP NUMBER	ACREAGE	LAND VALUE	TAX TICKET
210-90	.2100	\$16,000	\$84.80
210-90	(Building Value)	\$80,300	\$425.59
TOTAL:			\$510.39

Pursuant to Article X, Section 6(a) (6) of the Constitution of Virginia, Section 30-19.04 of the Code of Virginia, and the provisions of Chapter 36 of Title 58.1 of the Code of Virginia, this request is that such exemption should be categorized as charitable and benevolent.

Tom Clark, CEO, Blue Ridge Center, presented the request.

No one spoke for or against the proposed request.

(RESOLUTION #10-03-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve tax exempt status as advertised.

MOTION BY: David Hurt
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

CLOSED MEETING

(RESOLUTION #11-03-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, a-3, Acquisition of Land, and a-5, Discussion of a Prospective New Business or Industry, of the Code of Virginia, as amended.

MOTION BY: Charles Wagner
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

MOTION:	Russ Johnson	RESOLUTION: #12-03-2006
SECOND:	Leland Mitchell	MEETING DATE March 21 st , 2006

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

Chairman Angell adjourned the meeting until **Monday, March 27th, 2006 @ 6:00 P.M.**, for a joint budget worksession with the School Board to be held at the Workforce Development Consortium Multi-Purpose Meeting Room.

W. WAYNE ANGELL
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR